REMARKS

The Office Action dated February 25, 2009 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 7, 14, 24, 27 and 28 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added and no new issues are raised which require further consideration or search. Claims 1, 3-14 and 16-28 are presently pending.

Initially, Applicants note that the Examiner has indicated that claims 13 and 21-23 include allowable subject matter and would be allowed if they were amended into independent form. Applicants wish to thank the Examiner for the indication of allowable subject matter. However, claims 1, 3-12, 14, 16-20 and 24-28 are respectfully submitted for reconsideration.

Claims 1, 3-11, 14, 16-20, 24 and 26-28 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,200,381 to Halkosaari et al. ("Halkosaari"). The Office Action took the position that Halkosaari discloses all of the subject matter of the claims. This rejection is respectfully traversed.

Claim 1, upon which claims 3-13 depend, is directed to a method including establishing an accounting session between a network element and a charging function for the session, wherein the network element includes a gateway of an internet protocol based communication system. The method also includes initiating a change in the

accounting session on the initiation of the charging function. The method further includes charging for services in the communication system based on the accounting session. The initiating a change in the accounting session occurs during an ongoing session and includes transmitting a request to update the accounting session from the charging function to the network element. The initiated change includes performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

Claim 14, upon which claims 16-23 depend, is directed to a charging element including a monitor unit configured to monitor charging in an internet protocol based communication system. The charging element also includes an establishment unit configured to establish an accounting session with an application. The charging element further includes an information unit configured to inform a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes an initiation unit configured to initiate a change in the accounting session, the change occurring during an ongoing session. The initiation unit includes a transmission unit configured to receive a request to update the accounting session. The initiated change includes performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

Claim 24, upon which claims 25 and 25 are dependent, recites a communication system. The system includes a network element configured to control a session for the provision of services in an internet protocol based communication system. The network element comprises a gateway of the internet protocol based communication system. The system also includes an application for the session, a control function for the session, and a charging function. At least one accounting session is configured to be established between the charging function and at least one of the network element, the application, or the control function. The charging function is configured to initiate a change in the at least one accounting session during an ongoing session by transmitting a request to update the accounting session to the network element. The initiated change includes performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

Claim 27 is directed to a charging element including monitor means for monitoring charging in an internet protocol based communication system. The charging element also includes establishment means for establishing an accounting session with an application. The charging element further includes information means for informing a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes initiation means for initiating a change in the accounting session, the change occurring during an ongoing session. The initiation means includes transmission means for

receiving a request to update the accounting session. The initiated change includes performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

Claim 28 is directed to a computer program which performs the operations of method claim 1. However, claim 28 also has its own scope and should be interpreted accordingly.

Applicants respectfully submit that Halkosaari fails to disclose or suggest all of the elements of any of the presently pending claims.

Halkosaari discloses a cost control method for a mobile terminal of a mobile communications network. A cost control request is sent from a network element to a cost control function. The network element is defined as an access point for the mobile terminal. The cost control function is part of a home location register (HLR) (i.e., database), which maintains a record of all of the subscribers of the home public land mobile network (HPLMN 1) (see FIG. 3 of Halkosaari). The cost control function obtains a cost control result in response to a request and returns the result to the network element so that the network element may act upon the result.

Halkosaari does not disclose a **request** being sent **from** a charging function **to** a network element, as recited in each of independent claims 1, 14, 24, 27 and 28. Conversely, Halkosaari teaches a request being sent from a network element to a cost control function. In other words, Halkosaari discloses that the request is not received at

the network element, instead, the request is initiated by the network element and received by the cost control function.

The Office Action responded to the fact that Halkosaari does not disclose a **request** being sent **from** a charging function **to** a network element by asserting that "The CCF updates the session when a charging related event occurs, and this is equivalent to the applicants' limitation "initiating a change in the accounting session on the initiation of the charging function"" (see page 8, paragraph 6 of the Office Action data February 25, 2009). The mere updating of a session does not invoke the need to send a request prior to, or, during the updating process. The specific features disclosed in the pending claims of sending a request to the network element has been disregarded by the Office Action. The assertion that the CCF "updating" the session is the same as sending a request to the network element is invalid.

However, in an effort to further prosecution and more clearly demonstrate the novelty of the present invention, Applicants have amended independent claim 1 to recite "wherein the initiating a change in the accounting session occurs during an ongoing session and comprises transmitting a request to update the accounting session from the charging function to the network element, and wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session", as recited in independent claim 1, or similarly recited in independent claims 14, 24, 27 and 28. Applicants submit that Halkosaari fails to disclose or suggest the above-noted features of the pending claims.

Referring to columns 5 and 6 of Halkosaari, there are three phases that occur in the cost control mechanism procedure, which include, initial interrogation, interrogation results (not counted as a phase), intermediate interrogation, and final interrogation. In the initial interrogation, the NE send an interrogation signal to the CCF that contains all of the information required for the CCF to be able to rate the traffic and perform correction account operations, certain data may include party numbers, subscription categories and location area information. The interrogation results produce a CCI session identity, subscription status information (i.e., is the traffic allowed, and tariff data (see column 5, lines 55-65 of Halkosaari). One option is to "prompt the user to increase account balance" (see column 6, line 6 of Halkosaari).

Applicants submit that increasing an account balance of an existing account is not comparable to "initiating a change in the accounting session...during an ongoing session...wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session", as recited in independent claim 1, or similarly recited in independent claims 14, 24, 27 and 28. The need to replenish an existing account balance is not indicative of any increase or decrease in charges for a current service of an ongoing session.

The Intermediate interrogation procedure of Halkosaari has nothing to do with increasing or decreasing service fees of an ongoing session, this procedure is limited to monitoring for changes in traffic and other events. Lastly, the final interrogation discloses that "the CCF can also return final charging information (price) relating to the

just ended session." Halkosaari is limited to replenishing an existing account balance and determining final charging information for an ended session. Clearly, if the session ended then there is no charging information disclosed in Halkosaari that is relevant to "initiating a change in the accounting session...during an ongoing session...wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session", as recited in independent claim 1, or similarly recited in independent claims 14, 24, 27 and 28.

Therefore, Halkosaari fails to explicitly teach each and every limitation of the presently pending claims, and thus, fails to anticipate the subject matter recited in the pending claims. Withdrawal of the rejection of claims 1, 3-11, 14, 16-20, 24 and 26-28 under §102(e) is respectfully requested.

Claims 12 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Halkosaari in view of U.S. Patent No. 6,999,449 of Barna et al. ("Barna"). The Office Action took the position that Halkosaari teaches all of the subject matter of the claims except for using a pre-paid accounting function. The Office Action then relied on Barna to cure the deficiencies of Halkosaari. This rejection is respectfully traversed.

Halkosaari is discussed in detail above. Barna generally relates to a system and method of monitoring and reporting accounting data based on volume. Figure 1 of Barna is a signaling diagram that illustrates the flow of messages between access and accounting nodes and in IP network when implementing a method of accounting based on the expiry of a predetermined volume of data transferred using the stop record trigger.

Claims 12 and 25 are dependent upon claims 1 and 24 and contain all of the limitations thereof. As discussed above, the teachings of Halkosaari fail to disclose or suggest all of the elements of claims 1 and 24. In addition, Barna fails to cure the deficiencies in Halkosaari because Barna also fails to disclose or suggest "initiating a change in the accounting session...during an ongoing session...wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session", as recited in independent claim 1, or similarly recited in independent claims 14, 24, 27 and 28. Thus, the combination of Halkosaari and Barna fails to disclose or suggest all of the elements of claims 1 and 24. Furthermore, claims 12 and 25 should be allowed for at least their dependence upon claims 1 and 24, and for the specific limitations recited therein.

For the reasons explained above, it is respectfully submitted that each of claims 1, 3-14 and 16-28 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-14 and 16-28 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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